

Amendments to House Bill No. 88
1st Reading Copy

Requested by Representative Brian Hoven

For the House Taxation Committee

Prepared by Megan Moore
January 30, 2013 (2:39pm)

1. Title, page 1, line 7 through line 8.

Following: "PARTNERS OF"

Strike: "LIMITED LIABILITY"

2. Page 2, line 23.

Strike: "(a) Each partner of"

Insert: "An individual who is a partner in"

3. Page 2, line 24.

Strike: ", taxes, penalties, and interest"

Insert: "and taxes"

Strike: "while a partner"

Insert: "to the extent that the partner has access to the
requisite records and is jointly and severally liable for
unpaid taxes, penalties, and interest pursuant to 15-1-216
upon a determination that the partner:

(a) possessed the responsibility to file statements and pay
taxes on behalf of the partnership; and

(b) possessed the responsibility on behalf of the
partnership for directing the filing of tax statements or the
payment of other partnership obligations and exercised that
responsibility in a manner resulting in the partnership's failure
to file statements required by this part or pay taxes due as
required by this part"

4. Page 2, line 25.

Strike: "(b)"

Insert: "(6)(a)"

5. Page 2, line 27.

Strike: "any" through "member"

Insert: "filing statements to the extent that the member has
access to the requisite records and is jointly and severally
liable for unpaid taxes, penalties, and interest pursuant to
15-1-216 upon a determination that the member:

(i) possessed the responsibility to file statements and pay
taxes on behalf of the limited liability company; and

(ii) possessed the responsibility on behalf of the limited
liability company for directing the filing of tax statements or
the payment of other limited liability company obligations and

exercised that responsibility in a manner resulting in the limited liability company's failure to file statements required by this part or pay taxes due as required by this part"

6. Page 2, line 28.

Strike: "(c) The"

Insert: "(b) Pursuant to subsection (6)(a), the"

7. Page 2, line 29 through line 30.

Strike: ", for" on line 29 through "member" on line 30

8. Page 3, line 1.

Strike: "(d) Each"

Insert: "(c) Pursuant to subsection (6)(a), each"

9. Page 3, line 2 through line 3.

Strike: ", for" on line 2 through "manager" on line 3

10. Page 3, line 4.

Following: line 3

Insert: "(7) In the case of a limited liability company bankruptcy, the liability of the responsible individual remains unaffected by the discharge of penalty and interest against the limited liability company. The responsible individual remains liable for any statements and for the amount of taxes, penalties, and interest unpaid by the limited liability company."

Renumber: subsequent subsections

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